

In the Newcastle Consistory Court

Re: Church of St Andrew, Hexham

JUDGEMENT

1. This is a petition, dated 12 February 2014, by Revd. Canon Graham Barham Usher, Fiona Christina Sutherland Kelsey and Fiona Janet Finnon who were then respectively the Rector and Churchwardens of the Church of St Andrew, Hexham ("Hexham Abbey"), the Revd Usher having subsequently moved to another post. By their petition they seek a faculty to dispose by sale of the painting "The Descent of Christ from the Cross" (a.k.a. "The Deposition") from the workshop of Pieter Coecke Van Aelst, and to remove the copy of the painting hanging in St Etheldreda's Chapel in the church.
2. The painting was an anonymous gift to the Abbey in 1947. From 1947 until 1960 it was hung in the Ogle Chantry and from 1960 to 1987 it was placed in St Etheldreda's Chapel. In 1988 it was apparently stored in the Northumberland Museum and Art Gallery at Berwick, whether it was on display or merely stored and whether pursuant to a faculty has not been made clear. In 1989, owing to concerns about security and insurance costs, and in pursuance of a faculty authorising the same, the painting was loaned to The Shipley Art Gallery, Newcastle upon Tyne. The loan was renewed periodically by subsequent faculties. From the time of its removal from the Abbey until the present a copy of the painting (which is in fact a photograph) has hung behind the altar in St Etheldreda's Chapel. The painting has not been on display in the Shipley Art Gallery for some time and, in 2011, the gallery informed the Abbey that they no longer wished to store or insure the painting. They agreed to keep the painting for a limited period whilst the PCC considered its position. An approach was made to the Bowes Museum in relation to a possible loan to that institution, but was declined by the museum. Apparently other museums/galleries in the area were also approached without success, although there is no clear record of what approaches were made.

3. Following consideration between May and October 2011 the PCC concluded that the painting should be sold, on the basis that:-

- the painting was no longer on public display;
- the painting was an anonymous gift to Hexham Abbey in 1947 and the Archivist could find no trace of the original owner;
- the painting did not form part of the historical collection of paintings made specifically for the church;
- the painting was not of the type that would be on display in the proposed new exhibition;
- taking on the insurance premium would divert funds from mission and ministry.

4. The PCC was, at that time, in consultation with the Church Buildings Council in relation to a number of matters, including the proposed display of paintings and significant objects in a new exhibition centre in the Carnaby building, a new stained glass window and the proposed sale of the painting. In a letter dated 17 November 2011 the PCC were informed by the CBC that the sale of the painting was not supported and the PCC was encouraged to explore the possibility of hanging the painting in an appropriate setting in the church and to find out more about the painting's condition, history and provenance and its connection to the North East. The PCC also sought the views of the DAC who raised questions about the painting's provenance and its spiritual value to the community. Local experts were consulted, but in order to obtain as much information as possible about the painting the PCC sought and were granted a faculty to move the painting to Christies for further research; it remains there at present.

5. There has been a good deal of liaison with an expert at Christies, the detail of which it is not necessary to rehearse. Ultimately it has been established that the painting is the central panel of a triptych, the wings of which are at the Californian Palace of the Legion of Honor in San Francisco. The right-wing is of Mary Magdalen and the left of Joseph of Arimathea (although, somewhat bizarrely, in the material before me they are represented the other way around). Christies suggested that if there were to be a sale of the

painting it should first be offered privately to the Legion of Honor Museum at a figure which would net £150,000 and that if a private sale could not be negotiated that it should be placed in one of their auctions with an estimate of £100,000 – £150,000 and a reserve of £80,000. They suggested an insurance figure of around £200,000.

6. In October 2013, after receipt of all of the information in relation to the painting, a consultation was arranged with the congregation, which was also posted online and was, therefore, open to the general public. That consultation gave a concise but accurate summary of the history of the painting and the steps that had been taken in relation to it up to that stage. It posed the following six questions:-

- Did you know of the painting's existence before now?;
- Has the copy [or the original if you were here prior to 1987] of the painting in the St Etheldreda's Chapel added to your worshipping life / devotion and, if so how?;
- If the original were to be returned our insurers requirements would mean that we would have to find another location to display it as it needs to be placed a minimum of 6 feet off the ground. Do you have any suggestions where?
- What is your reaction to the suggestion of using some of the proceeds of any sale to commission an icon or relief stone/wood carving of St Etheldreda (she gave the land on which the Abbey stands to St Wilfrid) to replace the current copy of the painting in St Etheldreda's Chapel? How might such a work aid your worship?
- What do you feel about the PCC's initial conclusion to seek to sell the painting?
- Do you have any other comments?

7. 56 responses were received to the consultation. By the very nature of the questions they produced many disparate responses. An Appendix to the faculty application sets them out in some detail and of those who answered the 5th question 43 agreed with the proposal to sell and 2 were against it. There were a small number of positive suggestions as to possible re-siting. 45 people answered the second question in the negative, 7 in the affirmative.

8. When the faculty went before the DAC it was considered in the usual way at a meeting on 30 January 2014 and the Committee in its Notification of Advice of 7 February 2014, recommended that the works were approved by the court. There were no provisos. The matter initially came before me on 20 February 2014 and I considered that, pursuant to rule 8.6 (1) (a) Faculty Jurisdiction Rules 2013, there was a mandatory requirement that I seek the advice of the CBC. Accordingly on 5 March 2014 the Registrar sent the appropriate Form 11 seeking that advice.
9. The CBC responded in a letter of 19 March 2014, referring back to its original letter of 17 November 2011, and reaffirming its opposition to the proposed sale. The CBC responded specifically to the five reasons given by the PCC behind the desire to sell the painting as follows. So far as the fact that the painting was no longer on public display was concerned it was said that returning the painting to the Abbey would provide the opportunity to display a significant painting to be seen by the congregation and visitors. The fact that a copy had been on display in the Abbey confirmed that the painting was suitable for the Abbey's historic setting and that its liturgical potential could be explored by the congregation. In relation to the anonymity of the gift the Council commented that, in its opinion, that did not mean that the gift carried less heritage value and also that there was a risk that disposal might have repercussions for future gifts. The fact that the painting did not form part of the historical collection of paintings made specifically for the church was accepted but it was said that the accumulation of ornaments was part of the development of our heritage and should be protected and celebrated. The Council referred to an earlier comment by Professor Spalding in relation to the painting that "such realism and emotional intensity may embarrass an English audience in the 21st century but in the Hexham painting they remind of an aspect of Christian worship in the past" and stating that the Council felt that was a relevant dimension to the interpretation of the Abbey's collection, telling the history of the development of Christianity at Hexham, within the context of the wider church. They responded to the fact that the PCC stated that the painting was not of the type that would be on display in the

proposed new exhibition in the Carnaby building by suggesting that the Abbey develop its interpretation strategy to include the painting and that the creation of the new space might open up possibilities for displaying the painting either in the Abbey itself or in the new exhibition space. The reasoning based upon the insurance premium diverting funds from mission and ministry was dealt with by the suggestion that there was no need to insure to cover the full market value of the painting and that the General Synod had resolved that such items should be insured only for the cost of a modern replacement. Any loss would be of a treasured possession and not measured in financial terms.

10. Shortly after the receipt of the CBC's advice the Court of Arches delivered its judgement in the case of **In Re St Lawrence, Oakley with Wootton St Lawrence**, on 14 April 2014. Having considered the advice of the CBC and having perused that judgement I issued the Interim Directions that appear as Appendix A to this Judgement on 29 April 2014, inviting the DAC to consider if it wished to alter its Notification of Advice and directing the petitioners to make written submissions setting out all of the factors that they relied upon in support of the sale and why they argued that those factors outweighed the presumption against the sale of church treasures.
11. On 20 June 2014 the DAC responded that, following lengthy consideration of recent legal judgements and the CBC Treasure guidelines, it did not recommend the proposal as it stood, but that was not because of opposition to the removal of the work per se, rather the Committee did not recommend sale on the open market but strongly favoured reunion of the work with its other constituent parts, by loan or sale, such sale to be handled by Christies. The committee felt that such reunification of an artwork was desirable and, though acknowledging that every object in the Abbey was part of its history, saw no strong connection in the case of this particular artefact. The committee believed that under-insurance would risk catastrophe. The committee commented that the painting was not embedded in the Abbey's history, being an unsolicited gift shortly after the Second World War. The Abbey community has no attachment to or use for

the work and the suggestion by the CBC of inclusion in the Carnaby Centre was to misunderstand the nature of the Centre whose focus was strongly on Hexham.

12. The response of the Petitioners was embodied in a document running to seven pages of typed submissions by Mr Roy Dallison, who had been closely involved in the matter for over two years and had been asked by the Petitioners to make the submissions on their behalf. Those submissions dealt with the prolonged absence of the painting from the Abbey and the fact that careful investigations had revealed no evidence of the painting ever being used as a devotional aid. They set out the careful and detailed investigations that have been carried out in order to try to trace the donor and also the consultation that there has been in relation to the proposed sale, arguing that everything possible has been done to avoid damage to the reputation of the Abbey in relation to the gift. They point out that the discussions have brought into focus the need to protect against any future potential difficulties in relation to gifts and that an Acquisition and Disposals Policy had been drawn up by the Conservation Advisory Group which had led to some important new acquisitions but was also a tool to protect the PCC from becoming the custodians of items that were of no interest or connection to the Abbey. The submissions set out the lack of any connection of the painting to the Abbey and that it is more in tune with another period and more Catholic than Anglican. They go on to set out the content and aims of the exhibition in the Carnaby building and argue that, whatever the painting's artistic values, it clearly has no place in that setting. The submissions then go on to deal with the question of the insurance premiums, pointing out that although the cost of insurance is a consideration it had not influenced or been an important element in the decision of the PCC to seek a faculty for the disposal of the painting. The investigations that were made in 2011 to find another home for the painting in a museum or gallery are set out and it is pointed out that, whilst because of staff moving on it has not been possible to ascertain the full list of institutions approached, they included those in the Tyne and Wear Museums Group

and the Bowes Museum, and that a new loan was declined. Further efforts to loan the painting had been considered by the PCC in their overall discussions in relation to the painting but the conclusion had been reached that, owing to the lack of any connection to the Abbey and the fact that it was not likely to be displayed in the Abbey, continued ownership was inappropriate. The submission ends with a summary of the arguments and points to the significant development of the discovery that the painting is in fact the centre panel of a triptych and that there is now the possibility of reuniting it with its wings which will be an important act of reconstitution and give the work a greater artistic eloquence. It is pointed out that every effort will be made to facilitate a sale to the Museum in San Francisco that holds the two wings. Finally the submission deals with the potential future financial burdens upon the Abbey, acknowledging that there is currently no undue financial pressure or any financial emergency but pointing to the acquisition of the Carnaby building and the former Magistrates Court building, which constitute a repatriation of those former Monastic/Claustral buildings to the Abbey after almost 500 years and to the future financial burden on the resources of the Abbey in relation to maintaining those buildings.

13. On 11 September 2014, upon my instruction, the Registrar wrote to the CBC with copies of my Interim Directions and the responses of the DAC and the Petitioners, inviting the CBC to indicate whether it wished to become a formal party opponent or for me simply to take into account the letters of objection written by the CBC in coming to my decision. On 2 October 2014 the CBC responded with a further letter repeating that, for the reasons set out in the letter of 19 March 2014, the Council did not consider that there was a compelling case to grant a faculty for the sale of the painting, referring to the “Wootton St Lawrence” case but declining the opportunity to become a formal party opponent and asking that I take into account its letters of advice. I have accordingly proceeded on that basis.
14. There has been a great deal of jurisprudence in this area, that of the disposal of what are generally referred to as “church treasures”; but I have not regarded it as necessary to have regard directly to any of the earlier

authorities before the “Wootton St Lawrence” case. Although the facts of that case were very markedly different from this nonetheless, as the court commented at paragraph 4: “... Its determination has involved the court in going back to first principles, and it is to be hoped that further hearings can be saved the plethora of citations which we were called upon to consider “. The court reviewed the various authorities and set out the proper approach which should be adopted by would-be petitioners and chancellors. Without seeking in any way to suggest that the following is a complete analysis of the case I draw from it a number of principles that I must apply in considering this petition.

15. First of all, when considering the possible disposal of a church treasure, it is necessary to adopt the sequential approach considering first whether disposal by loan is appropriate and can be achieved. Thereafter, if that is not possible, to consider a disposal by “limited sale” such as to a museum, art gallery or similar institution. Finally, if the second option is not possible to consider a “disposal by outright sale”. When it comes to consideration of the sale of a church treasure the starting point is that there is a strong presumption against sale. In order for petitioners to succeed in overcoming that strong presumption they must demonstrate that there are factors of such weight, either individually or cumulatively, that they demonstrate that the grounds for sale are sufficiently compelling to outweigh the strong presumption against sale. I make it clear that that authority is binding upon me.

16. I have, accordingly, approached the petition for this faculty on the basis of the principles set out in the preceding paragraph. It seems to me that, whether consciously or by chance, the petitioners (representing the PCC) have in fact, to some extent, adopted the correct sequential approach in this case. When, many years ago, it was considered inappropriate (because of security and insurance considerations) to continue to display the painting in Hexham Abbey, a loan was arranged to the Shipley Art Gallery. Only when that arrangement ended through the unwillingness of the art gallery to continue to display or store the painting were other options considered. The

PCC then made some enquiries as to whether a loan to other similar institutions was practicable, only for those enquiries to meet with a lack of success. I will return to those investigations in due course. It was at that stage that the PCC made enquiries in relation to the sale of the painting. The petition before me, although expressed simply as “to dispose by sale” in fact has the primary intention of achieving a “limited sale” in that it is hoped to achieve a sale to the Legion of Honor, to effect a reunion of the three parts of the triptych. Only if such a sale cannot be achieved is it intended to offer the painting for general sale.

17. There is, of course, a complicating factor in this case in that I have no doubt that the Court of Arches in the “Wootton St Lawrence” case when considering the possibility of a “limited sale” considered that such a sale would have the effect of making the treasure available for exhibition and to be readily available to the public – but particularly the British, or perhaps even more particularly English, public. The fact that the “limited sale” in this case envisages the painting being reunited with its wings in the Californian Palace of the Legion of Honor in San Francisco is manifestly a significant factor that needs careful consideration. It has positive and negative aspects, which are fairly obvious. The positive aspect is that the constituent parts of a significant work of art which were always intended to be displayed together would be reunited. The negative aspect, so far as the British public is concerned, is that this would be in San Francisco. It is, of course, speculative, were I to grant a faculty, whether such a sale would be achieved. The consequences of a general sale are entirely unclear as that would depend on who or what institution purchased the painting.
18. Not having been in the Abbey for some years and having no immediate recollection of the copy of the painting and its placement I considered it appropriate before giving judgement in relation to this petition to visit the Abbey and see for myself the situation of the copy and to observe the rest of the main body of the Abbey. I did so on 13 November 2014, spending about 45 minutes in the Abbey before, later, attending Choral Evensong.

19. It is, in my judgement, important to begin consideration of this matter by having careful regard to the nature of this particular "church treasure", its historical connection with Hexham Abbey and the North-East, the overall history of its acquisition and use and how it fits in to the current and possible future life of the Abbey. It is also important to consider the reasoning behind the desire to dispose of the item.
20. So far as the former is concerned I accept that this painting has no particularly significant historical connection with the Abbey. It was simply a gift, albeit a generous and valuable gift, to the Abbey some 67 years ago. In the context of the history of a church that extends back to 674AD it is a recent acquisition. However, since its acquisition the painting, or a photographic copy of the painting, has been on display in the Abbey. It hung for 13 years in the Ogle Chantry and thereafter the original or the photographic copy has been in St Etheldreda's Chapel. It necessarily follows that the painting or its copy has been in the Abbey within the living memory of all but a possible handful of those associated with the Abbey. It also seems to me to follow that the presence of the painting or its copy has been considered to be appropriate throughout that time. Seven people who completed the questionnaire said that it had added to their worshipping life/devotion in the Abbey. Until the Shipley Art Gallery informed the PCC that they no longer wished to display, store or insure the original there had been no move during the entire time that the Abbey has had ownership of the painting to remove it or the copy from St Etheldreda's Chapel. I note the argument that is advanced that the painting is more in tune with another period and perhaps a tradition more Catholic than Anglican. I think that there might be some force in that argument if it were not for the presence, centrally in the Abbey above the high altar, of a copy of a painting by Andrea del Sarto showing Mary and the infant Christ meeting Elizabeth and the infant John the Baptist. Andrea del Sarto was an Italian artist who lived from 1486 to 1530. Whilst the image above the high altar is much easier and gentler than the more difficult representation of the Descent of Christ from

the Cross, it is equally from another period and, in my judgement, more Catholic than Anglican.

21. I also have regard to the historical connection, if any, of this painting with the north-east of England, its relevance to the area generally and the possibility of display of the painting in the area. Until the painting came to Hexham Abbey it had, so far as I can judge from the material before me (and that includes all of the researches that have been done by and on behalf of the PCC by Christies), no particular connection with the north-east. The painting has been categorised as being by the Workshop of Pieter Coecke Van Aelst, a 16th century Flemish painter. It appears to have been in the ownership of a Mr T G Dowson of Manchester prior to being gifted to the Abbey. He died in about 1946. Despite extensive researches it has been impossible to establish how the painting went from the ownership of Mr Dowson to the Abbey. Since its arrival at the Abbey it has been on display either in the Abbey or the Shipley Art Gallery or in storage. There is, therefore, no particular historical connection with the north-east. However, the same is undoubtedly true of many works of art displayed in museums and galleries in the area. I will turn, in due course, to the possibility of display in the area.

22. So far as the reasoning behind the desire to sell the painting is concerned I note that this only came about upon the occasion of the Shipley Art Gallery contacting the PCC in 2011. Prior to that there had been no move in the previous 64 years to dispose permanently of the painting and its move to the Shipley Art Gallery was occasioned by concerns over security and insurance costs. At the same time as its removal from the Abbey it was replaced by the photographic copy. I accept that the contact from the Shipley Art Gallery was bound to focus the minds of the PCC on the future of the painting and what to do with it and I also accept that a great deal of care, thought and time has gone into considering the overall position prior to the filing of the petition for the faculty for sale. Save for the latest submissions of Mr Roy Dallison, all of that was before the most recent guidance given in the Wootton St Lawrence case. I also bear in mind the inevitable (and entirely

proper) concerns that PCCs have for finances and the attractions of what would, effectively, be a very significant financial windfall for the Abbey.

23. With all of those factors in mind I turn to consider the merits of this petition starting, as I must, from the position that there is a strong presumption against sale.

24. The position of the photographic copy of the painting is, as it or the original has been placed since 1960, on the right-hand side of the South Transept immediately to one's right upon entering the Abbey. It is one of the first things that one sees upon entering the Abbey. I entirely accept that that position is unacceptable for a very valuable original as it is low down and would be particularly vulnerable to theft or damage. I also accept the opinion of the PCC that the painting would not fit readily into the exhibition in the Carnaby building, which focuses upon the development of Christianity in Hexham, the Abbey and its construction and that the nature of The Deposition is not considered to be appropriate for placement in the exhibition. However, I have no doubt that there are many other positions within the Abbey where the original could be displayed appropriately and at such a height as to satisfy insurance requirements. I would not presume to suggest any specific situation but I am satisfied from my visit to the Abbey that an appropriate placement would be possible.

25. If the painting were to be displayed in the Abbey then, sensibly, it ought to be covered by insurance. The material contained in the faculty application sets out the possible options with a total premium of £159 p.a. for a sum insured of £48,000, with minimum height requirements, protective glazing/casing and a motion alarm; £530 p.a. for a sum of £200,000 or simply possible inclusion within the present contents sum, currently £600,000, but pointing out that there is a single article limit of £25,000. I consider that the approach of the CBC in relation to the question of insurance is correct. I do not accept the view of the DAC that to under insure "would risk catastrophe". The Guidance Note on the Sale of Church Treasures points out that there is no legal requirement for insurance to

cover the full value and that the General Synod had resolved that such items be insured only for the cost of a modern replacement. That is correct and I have no doubt careful consideration was given to the matter before the General Synod resolution. Mr Dallison, in his careful, well thought out and well expressed submissions, argues that consideration should be given to the effect of potential loss and devaluation of the other two parts of the triptych, not in the possession of the Abbey. I will deal with the possible reunification of the parts of the triptych in due course. However, so far as insurance is concerned the position is that if the painting were, for example, destroyed by fire then it would be lost for all purposes. Whatever the insurance figure would not bring the painting back. It would be lost to the Abbey, to the world in general, and the art world in particular. It would, as the CBC and General Synod comment, be the loss of a treasured possession and the financial compensation for the loss, whatever the level, would not restore the possession. I do not comprehend the argument that under-insurance "would risk catastrophe". If the painting were lost, through fire, theft or by any other means then that might be regarded, by some, as a catastrophe; it would certainly be the loss of a significant artwork. If, however, it was wished to replace the painting then, manifestly, it would only be possible to do so with a modern replacement. The painting cost the Abbey nothing; it was a gift. If the painting were destroyed when insured for the cost of a modern replacement, say £48,000, then either that money could be used to obtain such a replacement or, if not, used for other Abbey purposes. The difference between the loss of the painting insured for the value of a modern replacement and the possible proceeds of sale is, of course, probably in the region of £100,000. If the Abbey is to lose the painting, by one means or another, I cannot see that financial recompense of either £48,000 or up to £150,000 could in any way be regarded as a catastrophe.

26. The current PCC has taken the view that display in the Abbey is not appropriate. Quite clearly previous PCCs from 1947 through to 2011 took a different view in relation to the painting or its copy. Whilst I have not the

slightest doubt as to the strength and sincerity of the view of the current PCC other PCCs in the future may take the same view as those earlier PCCs. That is a possibility that I must consider. If the painting is sold then it will be forever lost to the Abbey.

27. If the painting is not to be displayed in the Abbey then, as Wootton St Lawrence makes clear, the next step, both for the PCC and myself, would be to consider a loan to a gallery, museum or other institution. Such a move allows for a future PCC taking a different view from the current PCC and bringing the painting back to the Abbey. I am not satisfied, on the evidence before me, that that possibility has been fully and properly explored by the PCC. That is not in any way a criticism as, at the time that these matters were being considered, the guidance offered by the Wootton St Lawrence case was not in existence. In responding to my Interim Directions Mr Dallison reports that in 2011 staff (by which I assume he means staff at Shipley Art Gallery) were asked to investigate other regional galleries that might house the painting but that, because of funding cuts those staff have moved on and it has not been possible to verify the full list of institutions contacted, but it certainly included those in the Tyne & Wear Museums Group as well as the Bowes Museum. He then states that in its deliberations the PCC did not make contact with other museums to establish a possible further loan as the PCC was strongly of the opinion that, owing to its lack of connection with the Abbey and the unlikelihood of display in the Abbey, ownership was not appropriate. I am of the view that that report demonstrates that the possibility of a loan has not been fully investigated. It is clear that, since 2011, no further efforts have been made. I consider that it is only proper that that avenue is fully explored. Whilst I have no idea whether or not it would be the case, it is perfectly possible that another church in the diocese, or further afield, might be very interested in displaying the painting. On the evidence before me, I cannot be satisfied that there has been full exploration of the possibility of display elsewhere than in the Abbey.

28. The strongest argument for the sale of the painting relates to its possible sale to the Legion of Honor. Such a sale - or indeed a loan - would have the effect of reuniting the constituent parts of the triptych. The desirability of such reunification seems to me to be self-evident. The triptych must have been intended by the artist to be displayed as such, rather than in its separate constituent parts. On the other hand the central part of the triptych owned by the Abbey can be viewed perfectly well in isolation and clearly has artistic merit on its own. Set against the benefits of reuniting the constituent parts of the triptych is the fact that, realistically, the Abbey's painting would be lost to the nation. Whilst globalisation is an increasing phenomenon and travel even to places as far away as San Francisco is much easier than in bygone years, nonetheless any work of art going abroad diminishes the nation's heritage.
29. It has never been suggested that there is any financial emergency facing the Abbey and such arguments have, in my view creditably, not formed any part of the arguments of the petitioners. Mr Dallison points to possible liabilities in the future and the burden of the recently acquired buildings and the liability of the Abbey to maintain them, but there is currently no such problem. If such a problem were to arise in the future then it could be addressed at that stage.
30. When I weigh all of those factors together, consider the matter in the round and pose to myself the question: "Have the petitioners demonstrated factors of such qualitative weight as to outweigh the strong presumption against sale?" I find that I am driven to the conclusion that the only proper answer to that question is "No".
31. It necessarily follows that I am bound to refuse this petition. I appreciate that that will be a matter of disappointment to the petitioners and the current members of the PCC, but I hope that I have explained my reasoning, and the legal constraints upon me, so that they will understand, if not welcome, the decision.

32. There will remain, for the PCC, the question of what should be done in relation to the painting. I do not regard it as part of my role to make positive suggestions at this stage other than to urge them to absorb the guidance offered in the Wootton St Lawrence case and to say that their starting point ought to be retention of ownership of The Deposition and its visibility either in the Abbey, or elsewhere locally, or at least nationally and that they should proceed from that starting point.



Euan Duff

Chancellor

17 November 2014.

APPENDIX A

DIOCESE OF NEWCASTLE

In the Consistory Court

Euan Cameron Duff
Chancellor

In the Matter of

The Church of Hexham Abbey, St Andrew in the Parish of Hexham.

[To dispose by sale of the painting “The Descent of Christ from the Cross” (aka “The Deposition”) from the Workshop of Pieter Coecke Van Aelst, and to remove the copy of the painting hanging in St Etheldreda’s Chapel in the church, in accordance with the letter of Mr C N Dallison of 3 December 2013 & attachment therewith, entitled “Hexham Abbey *The Deposition*”]

INTERIM DIRECTIONS

In the light of the comments made by the Church Buildings Council in its letter of 19 March 2014 and in the light of the Judgement of the Court of Arches in: *In re ST LAWRENCE, OAKLEY WITH WOOTTON ST LAWRENCE* dated 14 April 2014 I direct as follows:-

1. The Diocesan Advisory Committee is to consider whether it wishes to alter its Notification of Advice dated 7 February 2014;
2. The Petitioners are to make written submissions setting out all of the factors that they rely upon as justifying the proposed sale and specifically dealing with what, if any, enquiries have been made as to a disposal of the painting by loan to a museum or other similar institution (other than the Shipley Art Gallery and The Bowes Museum). The Petitioners submissions are to set out why they argue that the factors relied upon outweigh the presumption against sale in relation to Church Treasures;
3. The Diocesan Advisory Committee is requested, if possible, to consider this matter at its meeting of 8 May 2014;
4. The Petitioners are to file written submissions by 30 May 2014.

Euan Duff
29 April 2014.

